

DRAFT CONSERVATION COMMISSION MINUTES
WEDNESDAY, APRIL 4, 2007 – 7:00 PM
CATA CONFERENCE ROOM
3 POND ROAD
MAX SCHENK, CHAIRMAN

MEMBERS PRESENT

Max Schenk
Charlie Anderson
William Febiger
Robert Gulla

MEMBERS ABSENT

Arthur Socolow
Ann Jo Jackson

STAFF PRESENT

Nancy Ryder, Conservation Agent
Carol Gray, Recording Clerk

Mr. Max Schenk, Chairman forgoes the reading of the agenda at this time.
There is a welcoming for Mr. John Feener as a potential new member of the
Conservation Commission.

CPA - Ms. Ryder informed the Commission that data is pending and Marie is working
on it. At this point in time the issue is tabled for more information. At a previous
meeting Mr. Socolow had inquired as to the amount of funds not acquired by the City of
Gloucester to date.

201 ESSEX AVENUE

The Agent briefs the Commission as to the status of this issue.
The applicant has resolved issues with Engineering and a letter of support from the Eng.
Dept. is on file. The revised plan showing the grinder pump out of the resource area is
submitted and addresses the E.D. concerns as noted in the memo dated 03/13/07. Mike
Hale requests that all conditions noted on the 3/13 memo be included in any decision.
The Agent reads the (7) conditions from a memorandum from the Engineering Dept.
MOTION: Mr. Anderson moves to approve the plan with the aforementioned conditions
SECOND: Mr. Febiger **VOTE:** 4-0 all in favor and signed by all members present.

1106 WASHINGTON STREET

The Agent notes that the Engineering Dept is not quite satisfied. Not increasing the
volume or rate of flow of storm water off site due to the increase in impervious has still
not been resolved with the Engineering Dept. however Rick Clarke feels this can be
achieved within the outline of the project as amended. The approval is contingent on the
results from Engineering. There needs to be a balance between the jurisdiction of the
Commission and the concerns of the Eng. Dept. The Agent notes that this can be done
with the footprint re: the storm water control issues. This must be made prior to the start
of work on site and the pre-start of work be coordinated with the Engineering Dept
Mr. Gulla noted that the Commission has other issues such as the patio.
A summary of concerns from the last meeting include a decrease of impervious on site by
approximately 10% or 640 sq. ft. and use of this area to control volume and rate of storm
flow off site along with the removal of the patio and replace with a non-lawn vegetated

area. The Agent notes that something different from a paved driveway is in order but at the same time something that can hold water.

The applicant stated she was happy to accommodate these issues.

Ms. Ryder reads from a memorandum from the Engineering Dept re: the storm water infiltration system. It may be sized correctly but the Eng. Dept. does not have at this time the statistics to confirm this issue.

Mr. Schenk asked if the approval is pending.

Ms. Ryder notes that the footprint of work is already the entire property.

MOTION: Mr. Gulla moves to approve pending results from Eng.

Ms. Ryder reads the conditions and will also add the removal of the patio and the placement of vegetation.

SECOND: Mr. Anderson VOTE: 4-0 all in favor

124R MAGNOLIA AVENUE

The applicant has resolved issues with the Eng. Dept. A letter of support from the Eng. Dept. is on file. No mitigation is required and they decreased the impervious from 4 to 2 family.

Ms. Jackson notes the vegetative buffer planted along the bank be non invasive.

A planting plan is to be submitted prior to work being done.

Mr. Schenk asks for a motion to approve with conditions.

MOTION: Mr. Gulla moves to approve with conditions.

SECOND: Mr. Anderson VOTE: 4-0 all in favor and signed by all members present.

209 ESSEX AVENUE – Enforcement Order

This is in regards to tree cutting. This was approved but not signed.

Mr. Gulla noted that we could send him a letter regarding this issue, enforcement with a letter stating 30 days to file a NoI with all applicable fines administered with maximum penalties accumulative each day.

ATLANTIC STREET – Culvert replacement, City of Gloucester

Mr. Schenk – recused.

This issue was closed and approved at the last meeting and is on the agenda for signatures of the Commission members. Ms. Ryder reads the OoC.

This issue was tabled for a later time.

Mr. Schenk notes that this is the time for the members of the public to speak to the Commission regarding issues they may have not related to the agenda this evening.

PUBLIC COMMENT: none

37 SHORE ROAD (Map 166, Lot 44) **NEW**

Vivian Wheeler requests the Commission to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance to upgrade the septic system.

There has been a request for a continuation to 4/18 since the applicant could not attend, however the Agent requests that the Commission review the matter as this project is necessary to meet Title 5. A continuation may not be warranted as there are no

outstanding concerns, issues or other problems. No one has any issues and this is a standard repair.

She further noted conditions: construction controls, vegetative buffer along the bank to the road and moisture barriers. Work is within the 1st 50 ft.

PUBLIC COMMENT: none

Positive 2A, Positive 5, Negative 3

MOTION: Mr. Gulla moves to approve

SECOND: Mr. Anderson

VOTE: 4-0 all in favor and signed by all members present.

70 POPLAR STREET (Map 1126, Lot 2)

The Gloucester Housing Authority to conduct a culvert replacement over Alewife Brook to Poplar Park at 70 Poplar Street.

Christiana Haines: Hydrolic analysis was done through NOAA.

Ms. Haines notes the pipes and their capacity. In a storm at 75 cubic feet the pipes will not back up and over that it will.

She noted specific measurements as follows: Poplar Park

East: Two 42 inch round (50 x 31) West: Two 36 inch round

Cherry Street: One 48 inch round (56 x 37) DPW Yard: One 48 inch in diameter

She notes 4 different alternatives as follows:

1. Bridge: 1100 cubic feet per second and a construction cost of over \$400,000.00. This meets 5 requirements regarding the Army Corp of Engineers but with no protection for downstream flooding.
2. Twin pipe arch culverts imbedded clearance 2ft 4 inches with a capacity of 102 cubic feet per second with a width of 12.5 ft. This meets 5 out of 6 requirements regarding the Army Corp. of Engineers. She further notes that none of the culverts meet the standard 250K for this.
3. Concrete box culvert, 10 ft. wide by 5 ft. high. This alternative meets 4 out of 6 requirements regarding the Army Corp. of Engineers. The construction cost is at least \$300,000.00 and could be much more than that.
4. Singe pipe arch culvert, imbedded 4 ft. 11 inches, 110 cubic feet per second. This alternative meets 4 out of 6 requirements regarding the Army Corp. of Engineers. She notes that there is a lot of excavation using this particular alternative

Mr. Gulla notes in regards to the bridge that we tried before to do this and do it right knowing that sewers pass over bridges all the time.

Ms. Haines noted that being gravity fed it is different.

Mr. Gulla notes a manhole, gravity and then filling.

Ms. Haines stated that she does not think that is done with sanitary sewers.

Mr. Gulla states that he feels the 2nd alternative is the more favorable one.

Ms. Ryder states that the 2nd one is an improvement over what was originally proposed.

Mr. Gulla notes his concerns re: a damming up and inquired as to an extended channel.

Ms. Haines stated that the water will back up and into basements and backyards in the area.

Mr. Febiger notes his concerns regarding a temporary plate around a large culvert.

Mr. Schenk notes that it could block material and become a maintenance issue.

It was further noted that Dave liked the twin culverts.

Ms. Ryder notes a tidal gate issue having an open and closed stream system. A plate will increase violation issues. Using a metal plate is in a direction we are trying to get away from.

Mr. Anderson notes that it would be nice to have a long term plan for that area.

Mr. Schenk notes an investigation of the tide gate and working towards an overall management plan.

Mr. Gulla asked if this could hurt that plan and Ms. Ryder noted that it doesn't help.

Mr. Gulla noted that other than the Mothers Day storm there may be other issues regarding flooding as well.

Ms. Haines stated that the culvert is embedded.

Mr. Doogan noted that he had never seen the water breach the bridge before that storm.

Ms. Ryder asked if we can pick an option. She further noted that Mr. Evans sent a letter regarding smelts in the area.

Ms. Haines noted that the storm water calculations are based on 1 inch of rain.

Ms. Ryder noted that the Alewife Brook is a fish run even if human impact has changed it.

Ms. Haines noted the planting plan to the Commission and 2 catch basins to drain to grass swales. An OoC may be best served re: the granite wall taken back along with rip rap along the impacted area sloped 2 to 1 with natural plantings.

Ms. Ryder questioned the rip rap and noted a netting which is more natural, to stabilize the bank. Ms. Haines noted the bank being steep.

PUBLIC COMMENT: none

Alternative No. 2: Grass swale added for 1 inch, rip rap removed and replaced with a form of netting prior to the start of work.

A concern was noted regarding construction sequence and details.

Ms. Ryder and Mr. Schenk both noted a temporary plate being used and it was determined that there would be a removal of the temporary bridge.

Ms. Ryder noted that a condition should be that a City Engineering representative be on site.

MOTION: Mr. Gulla moved to approve with conditions.

SECOND: Mr. Anderson

VOTE: 4-0 approved with conditions and signed by all members present.

WINGAERSHEEK UPPER BEACH ASSOCIATES to conduct maintenance and resurface existing roadway. (Map 257)

Mr. Michael McMahon, representing the Associates present.

Ms. Mary Rimmer, Environmental Consultant present.

Mr. McMahon notes Sandy Way, up the beach, to circle at the Essex River.

This area dates back to the Revolutionary War as a cart path. The original road was through sand with a gravel base which was oiled to create a passable road. Intermittent left over hot top ended up in the area, noted as a "hodge podge" of paving with different widths and surfaces. The asphalt was fixed with small patch jobs.

Regarding the asphalt, the intention is to remove the mess by grinding if necessary.

He further noted a NoI under maintenance and resurfacing.

The intent is to make it a better way, keep the speed of the traffic down and making it a good road bed with rubber speed bumps to be bolted and then unbolted in the winter.

Ms. Rimmer notes a stretch of Wetland and being scrub shrub, a limited work area east of Digby Lane on both sides with existing pavement at 11.8 with a proposed 11.10, and reduction of 460 sq. ft. of impervious pavement. To the SW is the proposed grinding with 3 inch binder course and 1 inch top course. Siltation fences were shown and used more to define the limit of work.

Mr. Schenk asked the Agent if the silt fence was o.k. and Ms. Ryder stated that she would prefer a mulch sock but the silt fence is applicable in this case.

Ms. Rimmer notes the trimming of vegetation to be done before construction starts.

The construction sequence and operating and maintenance plans have been submitted.

The Agent asked how do you I.D. the elevation of the roadway from the existing to the proposed.

Ms. Rimmer stated that one area located by Sand Dollar Circle and also noted 3 areas that the bed is to be increased for better drainage.

Mr. McMahon notes that ponding in the area has been a problem. The Fire Dept. as well as the Police Dept. sent letters to Mr. McMahon which were submitted to the Agent to be time stamped tomorrow.

Ms. Ryder notes re: the plan that the flags are good, ACEC buffer, no change in hydrology, no culverts and Engineering has no issues.

Ms. Rimmer notes two pre existing culverts. Mr. McMahon notes that the southern section is the driest area. Four or five culverts exist which are maintained once a year and function fine.

There was a brief discussion regarding equipment to be used.

PUBLIC COMMENT: none

The Agent notes a condition: Vehicles can not be stored within 100 ft. of the buffer zone, unless specified in the plan.

Pending DEP review this matter is tabled until the next meeting.

MOTION: Mr. Febiger moves to continue the matter until 04/18/07 7:05 PM

SECOND: Mr. Gulla VOTE: 4-0 all in favor

33 TWO PENNY LANE (Map 260, Lot 24) **NEW**

Standish Bradford to raze a dwelling and rebuild a single family home.

Request for continuance to 04/18/07 8:00 PM for Commission review.

Mr. Gulla – recused.

MOTION: Mr. Anderson moves to continue the matter to the above date and time.

SECOND: Mr. Febiger VOTE: 3-0 all in favor

16 HESPERUS CIRCLE (Map 189, Lot 53) **NEW**

Dean MacFarland to construct an in-ground swimming pool and associated landscaping.

Request for continuance to 04/18/07 8:00 PM for Commission review.

MOTION: Mr. Gulla moves to continue the matter to the above date and time.

SECOND: Mr. Febiger VOTE: 4-0 all in favor

33 EMERSON AVENUE (Map 21, Lot 8) **NEW**

Dunfudgin LLC to construct a commercial building, parking area and utility connections.

This matter is under review by DEP, The Engineering Dept. and Shellfish.

The applicant requests a 45 minute time slot at the next meeting.

There is a request for a short term temporary extension of an existing permit while a new filing is being made.

Considerations regarding this plan are off site mitigation, vegetative buffer plantings and making this accessible to the public.

Mr. Anderson notes that from reading the assessors map the property across the street is currently owned by The Division of Fisheries and as an abutter they should be notified.

MOTION: Mr. Febiger moves to continue the matter to 04/18/07 7:20 (45 minute slot)

SECOND: Mr. Gulla VOTE: 4-0 all in favor

362 MAGNOLIA AVENUE (Map 213, Lot 13)

John Korthas to construct a boulder wall. This is a post filing. Ms Ryder notes this is after the fact.

Mr. Korthas presented plans and photos to be reviewed by the Commission. He stated that he took boulders along the brook to make a wall and tried to level it. His property goes over the brook.

Ms. Ryder notes concern because the area is an Alewife run. No submissions of documentation from Shellfish, The Eng. Dept or DEP yet. The Agent states that she found no permit in the data base and asked if a permit number could be submitted.

Mr. Korthas stated that he would check in his files and get back to her. He stated that he wanted to respect the brook and no encroach upon it.

Ms. Ryder states that he did encroach.

Mr. Gulla noted to the applicant that in the future he needs to come to the Commission before the start of any work.

Ms. Ryder notes that Dave Sargent would like to turn this into a stewardship. She further noted to Mr. Korthas that he can contact Dave Sargent directly regarding the stewardship as well as working on 2 to 1 mitigation.

PUBLIC COMMENT: none

MOTION: Mr. Febiger moves to continue the matter until 04/18/07 8:30 PM

SECOND: Mr. Gulla VOTE: 4-0

Ms. Ryder notes that in lieu of fines the stewardship with Dave Sargent is to be pursued.

80 HIGH STREET (Map 164, Lot 47) **NEW**

Mr. Tom Kehoe, Hancock Assoc. for the applicant addresses the Commission noting the green line on the plan. He stated that he obtained permission through an abutter to go on the property to denote the Wetland.

Ms. Ryder noted that a discrepancy in flagging and should be noted on the plan as well as another discrepancy: A15, 4647 – telephone pole to flag 15 where there is a running Wetland with substantial buffer.

Mr. Kehoe noted the no disturb zone on the plan. He stated that the nearest impervious surface is 77 ft. from the Wetland. He noted the house being on a slab and bedrock is prevalent but no blasting is planned.

Ms. Ryder notes that no blasting allowed unless it is a condition and Mr. Kehoe replied that it does not apply at this time as there will be no blasting.

Ms. Ryder notes the concerns of the Engineering Dept. and reads a memorandum dated 04/02/07. It was noted that more details are needed regarding the storm water.

Mr. Kehoe notes that he wants to infiltrate as much as possible and not increasing the amount of flow.

The Agent notes that further information needs to be given to the Engineering Department.

Mr. Febiger inquired as to the possibility of dry wells and Mr. Kehoe stated that they would basically end up as cisterns.

Ms. Ryder notes that the Engineering Dept. is not happy with the driveway. She further stated that they should make sure the calculations support the hydrology.

PUBLIC COMMENT:

Christina Goodwin 78 High Street noted the location of siltation fences in one area.

Mr. Kaznocha 83 High Street states that with previous construction done their was a collapse and he requested it be fixed. Nothing has been done. He states that the culvert got crushed during the construction of the sewer project.

The Agent inquires with the Commission as to her pursuing the City re: the repair/replacement of the culvert.

Mr. Harry Millar spoke next stating he feels that this area is a vernal pond with Swamp Maples and Cat Briar is found all over the place. He thinks the property is a subdivision of a larger property and that two houses have already been built and sold. He doesn't feel it is standing water but does seem like ledge and that behind #78 it is wet where water flows.

The Agent notes that it may be perched on ledge but it is not within jurisdiction.

Mr. Gulla asked if a site visit was in order and Mr. Schenk stated that individually a site visit would work at this time.

Ms. Ryder notes a low area and states that it appears to be a vernal pool.

Mr. David Brady notes an area on the plan stating it looks like a vernal pool and further notes that he has had turtles in his yard. He notes a swale and states that with the swale water will travel through the vernal pool area and into the yard.

Mr. Kehoe states that once the septic tank is installed it should bring things back to the original grade and that the site of the house location is where there is the least amount of disturbance.

Mr. Schenk encouraged all members of the Commission to go to the location and make observations. Mr. Schenk further notes to the general public that in order for their comments to be counted they must be submitted in writing in the form of a letter, memo or an email.

Mr. Gulla stated that we need to control what happens in that area and possibly note a demarcation to denote the no disturb zone. The no disturb zone needs to be memorialized. In response Mr. Kehoe noted engraved signs and cedar posts for the area.

MOTION: Mr. Gulla moves to continue the matter until 04/18/07 8:30 PM

SECOND: Mr. Febiger VOTE: 4-0 all in favor

A 5 minute recess was requested.

MOTION: Mr. Febiger moves for a recess.

SECOND: Mr. Gulla VOTE: 4-0 all in favor

The meeting resumes.

HARBOR LOOP (Map 9, Lots 12, 13, 14, 16, 19 & 25) **NEW**

National Grid to conduct soil and sediment testing.

Ms. Ryder notes this plan as Phase 2 of the site assessment at the Gloucester Inner Harbor to monitor contamination in the harbor. She went on to read comments from the Shellfish Dept. The applicant has submitted a narrative and also notes Ken Lento, Mark Mahoney and Michelle Leone.

PUBLIC COMMENT: Mr. Steven Golden asked if this is a project plan and the Agent stated it was not.

MOTION: Mr. Anderson moves to approve as proposed

SECOND: Mr. Gulla **VOTE:** 4-0 all in favor

ATLANTIC STREET (Brooks Road Association).

Repair and improve existing walkway and floats.

A request for continuation until 04/18/07 was noted.

MOTION: Mr. Gulla moves to continue the matter to above date at 7:20 PM

SECOND: Mr. Febiger **VOTE:** 4-0 all in favor

17 ANDREWS STREET (Map 142, Lot 44)

Steven Rubert requests the Commission to determine the applicability of the Wetlands Protection Act and the local Wetlands Ordinance to demolish existing buildings and rebuild dwelling on existing foundation.

The Agent notes that all construction is to be done by hand and only removal of vegetation is in kind. She notes that the foundation for the deck that was put in three or four years ago was done so without a permit. It was agreed mitigation would be done on the north side of the house. She reiterated that all is to be done by hand.

The Commission viewed photos of the area.

Mr. Fred Geisel reviews the plan with the Commission.

Mr. Gulla inquired as to this whole lot being in a resource area and the Agent said yes, pretty much so. She further stated that there is a 2nd coastal bank to the other side of Andrews Street.

Mr. Geisel notes the Request for Determination and states that it will not have negative impact and plantings are to be put in place.

Ms. Ryder notes the positioning of a silt fence along the stone wall along the street line.

PUBLIC COMMENT: none

Noted: Positive 2B, Positive 5, Negative 3

MOTION: Mr. Febiger moves to approve

SECOND: Mr. Gulla **VOTE:** 4-0 all in favor

(***** stated that the delineation was not accepted as proposed.)

SAM PARK (Map 262, Lots 13 & 14, Map 43, Lot 4)

A filing under the City of Gloucester Wetlands Ordinance to construct mixed use development and access road off Route 128 Extension behind Fuller School.

Amy Green, Wetland Consultant presented an update to the Commission. She states that she met with CD and the City of Gloucester. She further discussed the construction sequence, construction monitoring and specifications regarding rain gardens.

A letter dated 4/2/07 regarding storm water issues was discussed and stated that the delineation was double checked and is ok. In regards to the vernal pool the issues are the water level, water temperature, water conditions, etc.

Ms. Isabelle ***** states that CDM agrees and has concerns regarding the delineation. CDM prepared a letter dated 04/02/07 that was discussed. There is a concern regarding the vernal pool and upland habitat. The site borders Rte 128 with residents to the East and Fuller School to the West. CDM notes 3 vernal pools and the concern of diminishing upland habitat. She further states that it proposes to impact vernal pool habitat and points to an area on the plan and notes that it is protected with the existing resource area. CDM recommends the applicant modify the design layout to protect the vernal pool and feels very strongly that vernal pool monitoring post construction should be done.

Ms. Isabelle ***** states that under local jurisdiction there is a 3 year monitoring program. Ms. Ryder notes that we usually ask for 5 years of monitoring.

Ms. Isabelle ***** asks that the Commission review the letters from CDM.

Ms. Green discussed a type of culvert in relation to amphibious creatures and stated it is mostly a feasibility issue.

Ms. ***** notes that as being another alternative. She further notes that keeping vernal pools connected together is good thing and an improvement to the area. She stated that in regards to the vernal pool habitat, we should try to protect it however possible under jurisdiction.

Mr. Gulla asked how much upland can be taken away from a vernal pool and is it going to become a pond. Ms. Green stated that this will not be a pond and that egg masses were found.

Ms. Ryder asked if enough habitat was left.

Isabelle read from a prepared memorandum noting this will likely result in a reduction of habitat regarding salamanders in the area.

Ms. Green noted signage and it will be looked into. There is an information kiosk planned.

Ms. Ryder requested to the Commission members to email with any comments after reading all pertinent information.

PUBLIC COMMENT:

Mr. Steven Golden, Hodgkins Street commented regarding the vernal pool and its habitat. Isabelle noted a fence in place mid March. She notes that the habitat have started their movement.

Mr. Golden feels that the study is not adequate and the Commission should work out what is jurisdictional.

Isabelle notes a memorandum submitted yesterday detailing information re: low impact.

Mr. Schenk asked for a motion to continue the matter until 05/02/07 7-8 PM.

MOTION: Mr. Gulla moves to continue the matter to the above date and time

SECOND: Mr. Anderson **VOTE:** 4-0 (for both Sam Park filings)

BASS AVENUE (Map 50, Lots 22, 23, 24, 25, 26, 27, 28, 29)

Richard Cretarolo to construct four duplex dwelling and road at 2, 4, 4R, 6, 6A, 8, 10 & 14 Bass Ave.

Mr. Young and Mr. Cox present representing the applicant.

In review Mr. Young states that the detention basin as been enlarged. A test pit was done and witnessed by a number of people including Dave Sargent and revised the area re: the Wetland boundary.

Ms. Ryder agrees that the soils are non hydric but is not completely sure of it as it could not be observed during a growing season. She further states that Cat Briar is present.

Mr. Young notes that the requested additional test pits were done resulting in 9.2 elevation, proposed detention basin 8.0 and water is at 6.7 or 7 ft., Wetland boundary 6.7 -7.5 and water table 6.5 or 6.7.

Mr. Febiger asked if Mr. Young observed the actual water and he responded stating no he did not but results are available through calculations.

Mr. Young noted re: Salinity - (2) two culverts under the sewer line, 0 parts per 1000 and 7 parts per 1000 near to Stop and Shop.

Two Engineering reviews were done, one in February and one in March.

Ms. Ryder reads a letter from the Engineering Dept. dated 03/15/07.

Mr. Young notes that in regards to blasting, he will interact with the Fire Dept., it should not be problem and they probably won't even have to blast.

Ms. Ryder notes that there are standards for blasting and blasting is not permitted unless specifically discussed and permitted in the decision.

Mr. Young notes the total impervious is 23% including the driveway and road.

He feels that a paved driveway is the best way to go for this project and feels that impervious is a poor idea. He notes that the project is well under the numbers regarding Zoning specifications. He strongly recommends the Commission does not make it impervious.

He further discussed shrubs and trees noting the no cut no clear zone on the plan. He further notes the grassy swales and that they lose the ability to plant. He notes on the plan an area in the front where vegetation would be saved. He tells the Commission that finding and picking area to revegetate is difficult. He notes a number of trees to save and feels that he has done what he can do to save several of them.

Mr. Cox read Condition #7 from the Planning Board regarding trees. He notes DBH tree diameter number as being 3 inch trees and other states list it at 5 inch trees/ 20 ft. tall and anything smaller is a sapling.

Ms. Ryder notes it states vegetation over 3 inches not just trees.

Mr. Young notes the Tree Save Program being the only reasonable way that would identify the trees in two different locations on the plan.

Further discussed were where trees will go, landscaping and mitigation.

Mr. Gulla notes his concern regarding the control of human use and Mr. Young stated that signage is possible. He further states that a small back hoe would be on site at some point and that it would be feasible to put something in if we lose something during construction. Multi flora would be pulled out.

Ms. Ryder questions the reason for the basin being a grass basin as there is not need for a mowed basin. Incredible vegetation could be done as you can do the detention basin with dense plantings and have a more natural vegetated basin, not just grass.

Mr. Gulla notes that landscaping would control human activity.

Mr. Schenk notes that in regards to the Fire Dept. access, only (1) one access is needed not (3) three or (4) four.

Mr. Febiger notes that the two lower houses could be pulled back more.

Mr. Young in response notes that it is the required setback. Mr. Young states that swales and berms need to be mowed. Mr. Young further discussed the detention basin.

Ms. Ryder states that she disagrees that planting with vegetation would be an inappropriate use.

It was noted that underground utilities will need to come in.

Mr. Gulla reiterated his concern regarding the degradation of the area due to human activity. A post and rail fence along with signage to delineate the line was noted.

Mr. Ryder states that another alternative to appropriate more lawn would be to get rid of one of the duplexes.

Mr. Febiger states that he would like to see the duplexes brought back further from the Wetland. He further stated that every time he has suggested this he has been rebuffed.

Mr. Cox feels that what they have presented seems to be the most workable solution that they can come up with. Mr. Cox further notes the turnaround area and fire apparatus being able to utilize it.

Ms. Ryder asks how many cars per driveway and Mr. Cox stated 2 cars per driveway.

Mr. Gulla states that he understand Mr. Febigers' position regarding the structures being brought back further from the Wetland.

Mr. Young asks the Commission what is the impact we are worried about.

Mr. Febiger notes the detention basin being too close to the Wetland.

Ms. Ryder states that they are taking out habitat and replacing nothing.

Mr. Young notes what can be done: upland shrubs to replace the species that have come close to the Wetland and shrubs along swales to provide a break between drainage and storm water management.

Mr. Febiger states that he is an advocate to depress the island. Mr. Gulla notes that the front of the island could be depressed.

Ms. Ryder suggests berry producing shrubs. Mr. Schenk notes where the Red Maple is located, plantings in the back area and some form of demarcation fencing and shrubs in the corner denoting the drainage easement. He further notes herbaceous plants inside the detention basin.

Ms. Ryder suggests plantings in front of the swale.

PUBLIC COMMENT:

Ed Leavitt 26 Bass Avenue had questions and comments regarding the impervious areas. He notes that there are other avenues available to get the houses further away from the Wetland. Mr. Leavitt then gave a brief history of the area.

Mr. Schenk noted the ZBA in regards to variances to bring the buildings up closer.

Mr. Cox stated that a number of options were discussed with the Planning Board and they didn't go with variances, they went with the requirements of the City of Gloucester. A letter was submitted.

Mr. Steven Golden states that he has seen projects go from the Commission to the ZBA with the recommendation taken into consideration. After (3) three years the delineation has expired. Mr. Golden noted two factors that determine a perennial stream, tidal flow and fresh water. He feels that the Commission needs to address these perennial stream issues.

Ms. Ryder states that we are reconfirming these issues. The first stream is not a perennial stream. The second stream is primarily a fresh water flow. The restriction at Hale Street creates a fresh water environment. This has the potential to rebuild the Wetland resource and would be an upland restoration. The current delineation is correct.

Mr. Gulla states that he would rather deny a project outright then push it towards the ZBA. Mr. Anderson - no comment. Mr. Febiger is uncomfortable with the fact that the structures cannot be pulled back and would like to wait and see some modifications to the plan.

Ms. Ryder notes that the final planting plan has to be approved by the GCC such as the planting locations, types of plantings, all natural and by the state list with shrubs first and demarcation after.

Mr. Gulla asked if any documentation is available regarding the pervious and /or non pervious issues.

Mr. Young stated he was not sure of any specific document that would analyze it either way.

Ms. Ryder states she is not approving of the pavement.

Mr. Schenk asks for a motion with aforesaid conditions.

MOTION: Mr. Febiger feels the matter should be continued to have the plans finalized.

SECOND: no second, motion fails.

Mr. Febiger stated that he was not too inclined to vote for the project.

MOTION: Mr. Gulla moves to approve the project with aforesaid conditions

SECOND: Mr. Anderson

Mr. Febiger states that he is an advocate for pulling back the houses along with the no disturb line with different configurations. He states that he is concerned about discharge being too close to the stream.

Mr. Young presents an enlarged photo of the area to the Commission.

Mr. Febiger states that the detention basin is right next to a no disturb zone and surface run off is a concern and the disbursement and concentration in the basin close to the Wetland.

Ms. Ryder notes that when the soils are compacted you get surface sheet water.

VOTE: 3 for – 1 opposed - Majority of the quorum present. Passed.

04-18-07 7:05 final decision to be signed.

4 EASTERN POINT ROAD (Map 131, Lot 7) **NEW**

This is a hearing to discuss violations that have occurred. The hearing will include a discussion and possibly a vote regarding restoration, remediation and any other action the GCC may require of the property owner, including administrative penalties.

Dennis Bryant, property owner is present.

Ms. Ryder notes that the goal is to permit not to enforce. The stream is a protected resource and work was done within 200ft of the stream and w/o a permit from the GCC.

Mr. Bryant notes a copy of a document and Ms. Ryder states that her office never got a copy. She does not want to argue the point and does not want to levy fines; she just wants this issue resolved.

Mr. Bryant notes a 16 inch culvert in relation to his driveway having a 2 ft. thick layer of ice in bad weather.

Ms. Ryder notes that Mr. Bryant should have come to her office and the GCC for assistance prior to any work being done.

Mr. Gulla notes that Mr. Bryant needs to understand that there are laws in place and that being that close to a stream you have to go to local boards for approval of work to be done.

Ms. Ryder notes that Mr. Bryant needs to get an NOI packet. Mr. Gulla noted that Mr. Bryant needs to file properly and that the Commission is willing to help.

Mr. Schenk suggests that Mr. Bryant get an assessors map and have it enlarged as that may help the assessors' office in assisting you with locating your property. You can go to Mass.gov checking the DEP section as they have maps you can print out online.

Ms. Ryder notes that she can print the Wetland map for Mr. Bryant but he has to take responsibility for the filing.

Fines were discussed but not levied at this time.

Mr. Bryant states he may be going away for approx. six months and will find out on Friday of this week if that will happen. The applicant needs to have a plan into the office of the Agent.

MOTION: Mr. Gulla moves to continue the matter until 05/16/07

SECOND: Mr. Febiger VOTE: 4-0 all in favor

280 ATLANTIC ROAD – tabled.

This is a request for a letter permit.

15 WOLF HILL WAY

Report on violations – storm water going down both sides of the property. An enforcement hearing is to be held. There are constant complaints from neighbors regarding this issue.

2 RIVERSIDE ROAD

Request for CoC

88 CAUSEWAY STREET

The Agent states she has been to the site and Mr. Anderson states he has not.

MOTION: Mr. Gulla moves to approve the CoC

SECOND: Mr. Febiger VOTE: 4-0 all in favor

49 RIVER ROAD

Letter Permit request:

The cement pad and concrete pier that leads out to a float were briefly discussed.

The Agent notes that making it a bit higher will keep water out of the house.

**** I have no further action being taken*****

Mr. Schenk asks for a motion to adjourn.

MOTION: Mr. Gulla moves to adjourn the meeting

SECOND: Mr. Anderson

VOTE: 4-0

Respectfully submitted,
Carol A. Gray
Recording Clerk

DRAFT